

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6348-CR-FERGUSON  
MAGISTRATE JUDGE SNOW

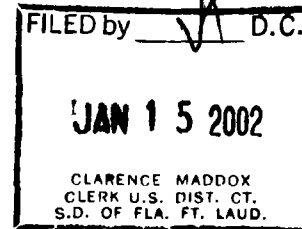
UNITED STATES OF AMERICA, :

Plaintiff, :

v. :

KENNY GARDNER, :

Defendant. :



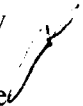
**MOTION FOR LEAVE TO WITHDRAW FROM FURTHER  
REPRESENTATION DUE TO CONFLICT OF INTEREST**

The Federal Public Defender, through undersigned counsel, respectfully moves to withdraw from further representation in this matter, and in support states:

1. Defendant entered a guilty plea in this matter on November 16, 2001. Sentencing is currently set for February 8, 2002.

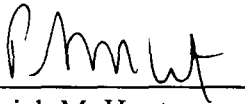
2. Mr. Gardner is currently cooperating with law enforcement in an effort to earn a sentence reduction for substantial assistance. He is providing assistance in active investigations. On January 14, 2002, counsel learned that as a part of that cooperation, Mr. Gardner will be providing information and testimony in a state case against another individual who is represented by the Federal Public Defender. Therefore a conflict of interest exists as to the continued representation of Mr. Gardner.

3. Counsel has spoken with Kathleen Rice, the Assistant United States Attorney handling this case for the government, who has advised that the government has no objection to the granting of the relief requested in this motion.

  
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WHEREFORE, the Federal Public Defender, through undersigned counsel, respectfully asks the Court for leave to withdraw from further representation in this matter, and requests that an attorney from the CJA panel be appointed to represent Mr. Gardner.

KATHLEEN WILLIAMS  
FEDERAL PUBLIC DEFENDER

By:   
Patrick M. Hunt  
Assistant  
Federal Public Defender  
Attorney for Defendant  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was mailed/delivered this 15<sup>th</sup> day of January, 2002 to Kathleen Rice, United States Attorney's Office at 299 East Broward Blvd., Ft. Lauderdale, FL 33301.

  
Patrick M. Hunt